

Express Mail Label No.:EV312713713US
Date of Deposit: September 30, 2003

Attorney Docket: (New): 27476-505
(Old: 11635-005001/OTA 00-43)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Bradley *et al.*
SERIAL NUMBER: 09/853,343 EXAMINER: Suryaprabha Chunduru
FILING DATE: May 10, 2001 ART UNIT: 1637
FOR: COMPOSITIONS AND METHODS FOR ARRAY-BASED GENOMIC NUCLEIC ACID
ANALYSIS OF BIOLOGICAL MOLECULES

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

The co-owner, Spectral Genomics, Inc., of part interest in the instant application assigned by inventor Upendra Marathi, and exclusive licensee of Baylor College of Medicine of their interest in the instant application, and

the co-owner Baylor College of Medicine, of part interest in the instant application assigned by inventors Wei-Wen Cai and Allan Bradley,

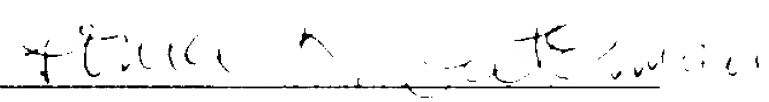
hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent granted on the application of serial number 09/546,085 and patent number 6,048,695. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the patent and prior application are exclusively licensed to Spectral Genomics and commonly owned by co-assignee

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the prior application or any patent granted on the prior application, as presently shortened by any terminal disclaimer, in the event that either any patent granted on the prior application later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of their full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned Applicant's representatives file this Terminal Disclaimer under 37 C.F.R. § 1.34(a). A check (#17262) for \$55.00 to cover the terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included. The Commissioner is authorized to charge any additional fees or make any credits to the account of the undersigned, Deposit Account No. 50-0311, Ref. No. 27476-505.

Respectfully submitted,


Sonia K. Guterman, Reg. No. 44,729
Sean M. Coughlin, Reg. No. 48,593
Attorney/Agent for Applicants
c/o Mintz, Levin
One Financial Center
Boston, MA 02111
Telephone: (617) 542 6000
Fax: (617) 542 2241

Dated: September 30, 2003